

**U.S. Bankruptcy Court**  
Western District of N.C.

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**Volume 2, Issue 3, July 2000**

## What's Inside?



### Operations Information

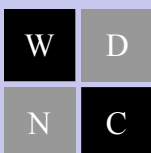
Financial News  
CM/ECF Update  
New Law Clerk  
... and more

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## The Chambers "Skinny"

by George R. Hodges &  
J. Craig Whitley, Bankruptcy Judges



**W**e want to take this opportunity to recognize formally the substantial contribution that Judge Marvin Wooten makes to this District, and to thank him for his continued service. It is not like we do not appreciate Judge Wooten all of the time, but his help in the past few months has proved that he is an essential part of the operation of the Western District Bankruptcy Court.

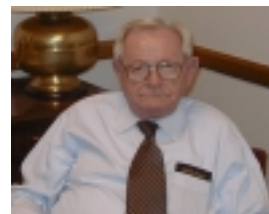
Judge Wooten retired in 1993 when he reached 65. He is not required or expected to keep working. Plus, because of the retirement benefits to which he is entitled, there is no financial incentive for him to continue to work. So, his continued service to this District is SERVICE in its purest form.

Judge Wooten regularly handles the Shelby Division, takes cases in which we have conflicts, and also serves as mediator. This has resulted in his handling some of the gnarliest cases we have had in recent times.

But, his essential contribution to this District has been proved in the last three months. With one of us out for two cervical disk surgeries and the other out for ACL surgery, Judge Wooten has kept the caseload flowing without a hitch. (It has not been lost on us that while the two young health nuts were downed by injuries, the slack had to be taken up by the life-long smoker!). Without Judge Wooten's help, the last three months would have been consumed with canceled terms of court and multiple continuances. Because of his continued service, not one term has been canceled and no delays have resulted!

We have just submitted a request for Judge Wooten's continued recall (with his blessing) and expect to have him in the lineup for the foreseeable future.

**THANK YOU, Judge Wooten!**



## Fee\$ and Financial

by Carol Caldwell, Financial Administrator

**I** know that you will find this hard to believe, however there are instances when a filing fee is NOT required for the filing of a motion for relief from stay. The \$75.00 fee is not required if a child support creditor or its representative is the movant, and if such movant files the form required by §304(g) of the Bankruptcy Reform Act of 1994. The fee is not charged for a motion for relief from codebtor stay provided in sections 1201 and 1301 of the code, nor is a fee charged for a motion for court approval of an agreement or stipulation, or when relief from stay is triggered by a default of the debtor under terms of a confirmed plan. Lastly, a party may combine a motion for relief from the automatic stay with a motion to compel the trustee to abandon property of the estate for a single fee. No fee will be required for an agreed combined motion for relief and abandonment.

## Did you KNOW?

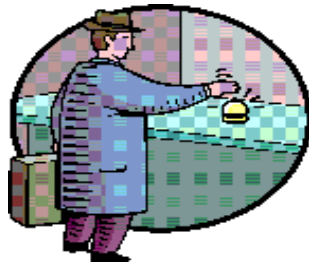
For the 12 month period ending 3/31/00, 6,925 cases were filed in the Western District of North Carolina:

3,175 Chapter 7  
15 Chapter 11  
3,735 Chapter 13

Bankruptcy filings nationally averaged 4.6 per 1,000 people, while the Western District of North Carolina average was 2.9.



From July 1, 1999 through June 30 2000, **1,073,212** document pages were imaged by the Court.



## News in Court Operations

by Linda Anderton, Chief Deputy Clerk and  
Gerri Crockett, Clerk of Court

### Attorney-Filed Certificates of Service

We are receiving more and more Certificates of Service from attorneys without a case caption on the document. The caption on all pleadings filed with the Court will ensure docketing or imaging the Certificate of Service in the correct case.

### Bankruptcy Noticing Center:

#### **Court Certificates of Service, Orders and Notices**

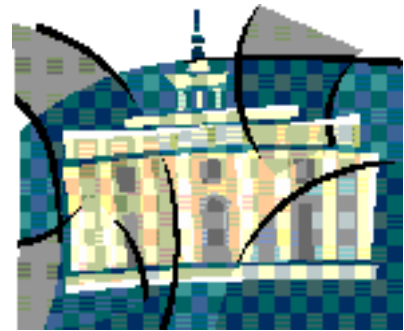
The Bankruptcy Noticing Center (BNC) provides most of the noticing for the United States Bankruptcy Courts. In June 2000, systems staff for the Western District of North Carolina developed a program to allow the BNC to electronically docket and image the Court's Certificates of Service directly onto the Court's Internet site. In addition, the BNC will electronically image many of the notices.

The United States Bankruptcy Court for the Western District of North Carolina's Administrative Order #468 specifies Clerk's Office practices as they relate to this change. This Order can be viewed on the Court's web page. Of special note, the Court will no longer retain a "hard copy" of the Court's Certificates of Service that are served by the BNC in the case file. The Court's Certificates of Service will be deemed filed with the Court as of the date which is electronically entered on the Court's docket. The Certificate of Service as well as the docket can be viewed on the Court's Internet site.

### Want to Talk with Someone in Charlotte About a Particular Case?

As noted in the last Newsletter, Clerk's Office staff in Charlotte are organized into five teams. The Case Administration Teams are organized by terminal digit. A main telephone number for each team has been installed for public inquiries. The telephone numbers for each team are listed below:

<b>Terminal Digits 0, 1, 2</b>	<b>(704) 350-7530</b>
<b>Terminal Digits 3, 4, 5</b>	<b>(704) 350-7548</b>
<b>Terminal Digits 6, 7, 8</b>	<b>(704) 350-7549</b>
<b>Terminal Digit 9</b>	<b>(704) 350-7554</b>



## Latest Program Indicators

The latest Bankruptcy Program Indicators for the Western District show continuing improvement in the speed of processing cases, and more important, continue to demonstrate that this District ranks very high in the nation in collections for creditors. The highlight for "speed" is that our median disposition time for Chapter 7 cases has been reduced to 3.9 months. This is equal to the national median. This District continues to be in the top ten districts in the nation in percentage of Chapter 7 cases with distributions to creditors. Plus, we are 12<sup>th</sup> in the nation in percentage of completed Chapter 13 reorganizations. These statistics demonstrate what a good job is being done by all participants in the system. The improvement in the speed of disposition is a result of the hard work of the panel trustees, Clerk's Office and BA's office. Congratulations!



## Law Clerks: Out With the Old, in With the New

As of the first of September there will be a change in law clerks for Judge Hodges. Todd Smith is moving on to open his own practice in Burlington. He takes with him our thanks for his year of service in the Western District and our best wishes for a successful practice in the Middle District.

Luke Sbarra will take over as law clerk for Judge Hodges for the next year. Luke is a summa cum laude graduate of Mary Washington College and of Wake Forest Law School. At Wake, he was a member of the Law Review and the Moot Court Board. He will begin work with the Bankruptcy Court in early September.

*Newsletter  
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## CM-ECF Update

by Karen Heavner



**Survey Results:** Two surveys produced by the court's CM/ECF Publicity Committee have been distributed to members of the local bar. The first is the "CM/ECF Readiness Survey" designed to provide the court and law firms with information to assess the bar's preparedness for the judiciary's new replacement Case Management / Electronic Case Filing (CM/ECF) system. As of May 19 a total of 49 surveys had been returned to the court. The results of those surveys are available on our website.

The second survey is a "PC Skills Survey" which was designed to aid the bar in assessing individual skills needed by their staff to use CM/ECF.

Both surveys are located on the court's website at [www.ncwb.uscourts.gov](http://www.ncwb.uscourts.gov) and available at Customer Service in the Charlotte and Asheville offices.

**Alpha Responsibilities:** A draft "national" CM/ECF implementation plan was prepared by an outside agency under supervision of the Administrative Office (AO) with extensive input from the prototype courts. The plan reflects basic issues and responsibilities regarding the configuration, functionality, and installation of the system. The Bankruptcy Court for the Western District of North Carolina, along with the other alpha and prototype courts continue to participate in conferences with the AO and the Technology Training and Support Division (TTSD) concerning the application and training, as well as national implementation guides and time lines.

**Prototype vs. Version One:** Since January, 2000 the court has maintained limited access to a "prototype" (original design) database which resides at TTSD in San Antonio, Texas. With this database we have been able to build our own unique "dictionary" (docket events). In June, 2000 we received our hardware and installed the operating system, and will soon begin installing the application software.

"Version One" of CM/ECF completed internal testing by the AO May 23, 2000. TTSD completed installation testing and sent the application to the AO's Independent Test Center (ITC) in early June for testing. As an alpha court we are very proud that several of our staff will travel to Phoenix, Arizona in July and August to assist with testing of Version One before release of the application to the remaining alpha courts.

In conjunction with ITC testing, TTSD will continue to work with the prototype and alpha courts to upgrade and convert their existing systems to Version One of CM/ECF. After conversion of our existing data to the new system, modifications to our "dictionary", and several weeks of testing, we estimate that we will be "live" on Version One of CM/ECF in the fall of 2000.

**Training:** All court staff have completed the Computer Based Training (CBT) modules and provided feedback to TTSD. Several attorneys and trustees have visited the court's training room and completed select modules. TTSD is currently converting these modules to Version One screens and hopefully will be available on CD for attorneys and trustees by late summer or early fall.

Court staff will begin docketing cases in our prototype test database in mid July. They will become familiar with the unique functionality of our system, analyze the existing dictionary and offer recommendations for modifications.

### CM/ECF Hardware Needs

- A personal computer with at least a Pentium processor, or a Macintosh, running a standard operating system such as Windows, or Macintosh OS
- A scanner for documents not in your word processor software
- An Internet Service Provider (not an "Online Service") with a minimum connection speed of 56K
- Netscape Navigator software version 4.6 or higher
- Windows or Macintosh based word processing software
- Adobe Acrobat software (Reader and Writer) which is used to convert documents from a word processing software format to a Portable Document Format (PDF) or to save scanned documents to PDF. Adobe Acrobat reader is free and may be downloaded via the Internet at [www.Adobe.com](http://www.Adobe.com). Adobe Acrobat Writer must be purchased. Special Law Office Pricing from Adobe may be obtained by calling 888-502-5275. Attorneys will need to give their Bar Number and mention that they will be participating in CM/ECF with the U.S. Courts.

